

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
)
v.) CASE NO. 2:05CR175-MHT
)
)
MARCUS JABOR ALLS)

ORDER

On 12 January 2006, the defendant filed an Unopposed Motion to Continue the trial of this case from its current setting of 23 January 2006 (Doc. # 24). He also filed a waiver of speedy trial (Doc. # 25).

While the granting of a continuance is left to the sound discretion of the trial judge, *United States v. Warren*, 772 F.2d 827, 837 (11th Cir. 1985), the court is, of course, limited by the requirements of the *Speedy Trial Act*, 18 U.S.C. §3161 [“The Act]. The Act provides generally that the trial of a defendant in a criminal case shall commence within 70 days of the latter of the filing date of the indictment or the date the defendant appeared before a judicial officer in such a matter. 18 U.S.C. §3161(c)(1). See *United States v. Vassar*, 916 F.2d 624 (11th Cir. 1990). The Act excludes from this 70-day period any continuance that the judge grants "on the basis of [her] findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial". 18 U.S.C. §3161(h) (8) (A).

The defendant represents that he needs “additional time to complete his investigation and adequately prepare for the trial of this case” and that the United States Attorney does not

object. The administration of justice in this court will not be compromised by a continuance of this case to the next criminal docket. Thus, based upon the representations of counsel for both parties in this action, the court concludes that the ends of justice served by continuing this case outweigh the interests of the public and the defendant in a speedy trial.

Accordingly, it is hereby ORDERED that:

1. The defendant's motion is GRANTED.
2. This case is hereby CONTINUED to the trial term set to commence on 13

February 2006.

DONE this 13th day of January, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE